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From: Harold Rubenstein <HRubenstein@lsnj.org>
Sent: Friday, April 10, 2015 3:32 PM
To: Comments Mailbox
Cc: Steven Bonville; Anisa Rahim; De Miller; Akil Roper
Subject: LSNJ - Comments on the Report of the Committee on Minority Concerns
Attachments: Comments- SCMC (2).docx

On behalf of Legal Services of New Jersey, please accept these brief comments on language access issues that we believe could supplement recommendations in the 2014 Report of the Supreme Court Committee on Minority Concerns. At this time, we do not plan to address the Court at its rules hearing.

Thank you for your consideration.

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Comments of Legal Services of New Jersey to Rule Proposals of Committee on Minority Concerns

The New Jersey Supreme Court Committee's Report on Minority Concerns reflects the Judiciary's long-standing and active commitment in providing language services to all litigants. It also references a recent DOJ Memorandum of Agreement (MOA) on language services entered into with the Judiciary last year. We would like to draw attention to another DOJ Memorandum of Agreement entered into with the NJ Department of Corrections in October 2014 regarding the provision of services under the Title VI of the Civil Rights of 1964, the Safe Streets Act and implementing regulations.

DOJ-NJDOC Agreement

The specificity and depth of this Agreement further prevents institutional racial, ethnic and linguistic bias against minority defendants. Based on five complaints, this MOA requires that the NJDOC provide meaningful access to LEP individuals detained in correctional facilities. Specifically, the MOA requires that the NJDOC will provide interpreters free of charge in safety, quasi-legal, medical and mental health-related matters. In those instances other LEP inmates will not serve as interpreters. In addition, notices of free interpreter services will be visibly posted and that notice will be translated into Spanish, Chinese and Polish and posted at every Orientation and Intake Unit of every NJDOC facility. Vital documents that have been identified for translation will also be translated into Spanish, Chinese and Polish. In addition, the NJDOC will ensure that LEP policies and protocol regarding bilingual staff and use of Language Line, hearings regarding LEP inmates, and language services for outreach to the community, drug education, social service and health programs will be made widely available to all NJDOC staff. The NJDOC will also record both formal and informal complaints to staff by LEP individuals and the documentation of language access trainings.¹

Cross-Agency Collaboration on Language Access

While the Report is focused on the elimination of institutional bias against minorities in the court system, it more generally addresses these concerns in the criminal justice system at large. Specifically, the Report signals to the importance of cross-agency workgroups and collaborations. Given the Judiciary's long-standing commitment to language services for a growing and diverse LEP population and knowledge of national and cost-efficient trends, we would like to highlight the importance and utility of inter-agency collaborations regarding the provision and implementation of language services. In fact, many states, such as Georgia, Kentucky, Minnesota, Ohio, Pennsylvania and Vermont, have developed uniform policies to reduce administrative and service costs as agencies have pooled resources and developed systems to centralize the delivery of language services. In light of the two DOJ MOA's and the mandate upon all state agencies to provide language services to all LEP individuals under the New Jersey Law Against Discrimination, we would encourage the discussion and sharing of efficient and routine delivery of language services strategies and techniques across agencies, particularly where the Judiciary has a substantial history and pool of resources that it can share.

¹ A copy of the DOJ-NJ DOC Agreement can be accessed here-
http://www.justice.gov/crt/about/cor/agreements/101514_DOJ_MOA_NJDOC.pdf